

STANDARDS FOR LICENSED FAMILY DAY HOMES

CHAPTER 111.

STANDARDS FOR LICENSED FAMILY DAY HOMES.

22 VAC 40-111-10. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Accessible" means capable of being entered, reached, or used.

"Adult" means any individual 18 years of age or older.

"Age appropriate" means suitable to the chronological age and individual needs of a child.

"Caregiver" means the family day home provider, substitute provider or assistant.

"Child" means an individual under 18 years of age.

"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

"Child with a disability" means a child evaluated as having autism, or with diagnosed physical, mental, or emotional disabilities, such as, but not limited to, cerebral palsy, sensory impairment, learning disabilities, behavior disorders, chronic illnesses, deficit in social functioning, mental retardation or emotional disturbance who may require special monitoring or specialized programs, interventions or facilities.

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“Cleaned” means treated in such a way as to remove dirt and debris by scrubbing and washing with soap and water or detergent solution and rinsing with water.

"Commissioner" means the Commissioner of the Virginia Department of Social Services.

"Department" means the Virginia Department of Social Services.

"Department's representative" means an employee or designee of the Virginia Department of Social Services, acting as the authorized agent of the commissioner.

"Family day home" means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving six through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all grandchildren of the provider shall not be required to be licensed.

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“Family day home assistant” or “assistant” means an individual who is 14 years of age or older and who, under the direct supervision of the family day home provider or substitute provider, provides care, protection, supervision and guidance to children in the home.

“Family day home provider” or “provider” means an individual who is 18 years of age or older and who is issued the family day home license by the Department of Social Services and has primary responsibility in providing care, protection, supervision and guidance for children in the family home.

“Good character and reputation” means knowledgeable and objective people agree that the individual (i) maintains business, professional, family, and community relationships that are characterized by honesty, fairness, and truthfulness, and (ii) demonstrates a concern for the well-being of others to the extent that the individual is considered suitable to be entrusted with the care, guidance, and protection of children. Relatives by blood or marriage, and people who are not knowledgeable of the individual, such as recent acquaintances, shall not be considered objective references.

“Inaccessible” means not capable of being entered, reached, or used.

“Infant” means a child from birth to 16 months.

“Licensee” means the person or persons to whom the license is issued.

“Medical emergency” means an unforeseen event that results in a caregiver, a child in care, or a household member needing immediate medical care.

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“Overnight care” means care provided after 7 p.m. and through the night.

"Parent" means the biological, adoptive, foster parent, or legal guardian, or any individual with legal custody of a child enrolled in or in the process of being admitted to a family day home.

"Physician" means an individual licensed to practice medicine in any of the fifty states or the District of Columbia.

"Preschool" means children from two years up to the age of eligibility to attend public school, five years by September 30.

“Programmatic experience” means time spent working directly with non-related children in a group. Work time shall be computed on the basis of full-time work experience during the period prescribed or equivalent work time over a longer period. Experience settings may include but not be limited to a child day program, family day home, child day center, boys and girls club, field placement, elementary school, or a faith-based organization.

“Residence” means principal legal dwelling or abode; a dwelling that is occupied for living purposes by the provider and contains the facilities necessary for sleeping, eating, cooking and family living.

“Resilient surfacing” means:

A. For outdoor use under and surrounding equipment:

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1. at least nine inches of loose-fill, impact absorbing surfacing material such as wood chips, double shredded bark mulch, engineered wood fibers, fine or course sand, and rounded, fine or medium gravel;

2. at least six inches of shredded rubber or tires; or

3. unitary, impact absorbing material such as rubber mats and poured in place compositions that meet minimum safety standards when tested in accordance with procedures described in the American Society for Testing and Materials standard F 1292 and has a critical height value (less than 200G's and less than 1,000 HIC or Head Injury Criteria) equal to or greater than the highest designated play surface on the equipment.

B. For indoor use under and surrounding equipment:

Impact absorbing surfacing material specifically designed and tested as playground surfacing such as rubber mats and rubber tiles that meet minimum safety standards when tested in accordance with the procedures described in the American Society for Testing and Materials standard F 1292 and has a critical height value (less than 200 G's and less than 1,000 HIC or Head Injury Criteria) equal to or greater than the highest designated play surface on the equipment.

C. Hard surfaces such as asphalt, concrete, dirt, grass or flooring covered by carpet or gym mats do not qualify as resilient surfacing.

"Sanitized" means treated in such a way as to remove bacteria and viruses from inanimate surfaces through first cleaning and secondly using a disinfectant solution (i.e.,

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bleach solution or commercial disinfectant) or physical agent (e.g., heat). The surface of the item is sprayed or dipped into the disinfectant solution and allowed to air dry between uses.

“Serious injury” means a wound or other specific damage to the body such as, but not limited to: unconsciousness; broken bones, dislocation, deep cut requiring stitches, concussion, foreign object lodged in eye, nose, ear, or other body orifice.

"Substitute provider" means an individual 18 years of age or older who meets the qualifications for family day providers, is designated by the family day home provider and approved by the department, and who is readily available to provide substitute child care in the family day provider's home.

"Time out" means a discipline technique in which a child is moved for a brief time away from the stimulation and reinforcement of ongoing activities and other children in the group to allow the child to regain composure when losing self-control.

"Toddler" means a child from 16 months to 24 months.

“Use zone” means the area under and around a piece of equipment where resilient surfacing is required.

PART IITHE DAY CARE PROVIDER AND OTHER DAY CARE PERSONNEL

22 VAC 40-111-20. General requirements and qualifications of the licensee.

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A. Family day home providers licensed after the effective date of this regulation and substitute providers shall have:

1. A high school diploma or equivalent; or
2. Evidence of having met the requirements for admission to an accredited college or university; and
3. Three months of programmatic experience.

B. Care shall be provided in the occupied residence of the provider or the home of a child in care.

C. The licensee shall:

1. Ensure that the home's activities, services and facilities are maintained in compliance with these standards and the terms of the current license issued by the department;
2. Be responsible for the homes day-to-day operation;
3. Be responsible for the health, safety, and welfare of children in care;
4. Provide direct care to children during the majority of the time the family day home is in operation;
5. Ensure that any advertising is not misleading or deceptive as required by §63.2-1713 of the Code of Virginia; and
6. Comply with the requirements of the current regulation, General Procedures and Information for Licensure.

22 VAC 40-111-30. Caregivers.

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Caregivers shall:

A. Be responsible and of good character and reputation;

B. Display behavior that demonstrates emotional stability and maturity;

C. Be able to understand and carry out the responsibilities and requirements

of these standards;

D. Understand the varying capabilities, interests, needs, and problems of children in

care;

E. Relate to children with courtesy, respect, patience, and affection;

F. Have an understanding and respect for the families of the children in care;

G. Be able to speak, read, and write in English as necessary to meet the requirements

of these standards;

H. Provide activities and experiences daily that reflect the familial, cultural and ethnic

diversity of enrolled children;

I. Provide activities that enhance the total development of children;

J. Be able to understand instructions on prescription and nonprescription

medicines;

K. Handle emergencies with dependability and sound judgment; and

L. Communicate effectively with emergency personnel.

PART III

HOUSEHOLD MEMBERS

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22 VAC 40-111-40. Household members.

All members of the family day household 14 years of age and older, including relatives, lodgers, and employees shall:

A. Display behavior that demonstrates emotional stability; and

B. Be of good character and reputation.

C. At the discretion of the department at least two references that document these qualities may be required.

22 VAC 40-111-50. Background clearances.

Caregivers and persons living in the family day home age 14 and over shall comply with the requirements of Chapter 63.2 of the Code of Virginia and the current regulation regarding background checks.

22 VAC 40-111-60. Tuberculosis screening.

A. Each caregiver and adult household member shall no earlier than 90 days prior to licensure or employment undergo screening for tuberculosis.

B. Each caregiver and adult household member shall submit the results of a risk assessment, Mantoux tuberculin skin test (TST), chest x-ray or bacteriological examination as deemed appropriate by the examining physician or local health department.

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C. The statement shall be signed and dated by a physician, physician's designee or an official of the local health department, documenting that the individual is free of active tuberculosis disease.

D. Caregivers and adult household members shall obtain a tuberculosis screening in accordance with subsection B of this section every two years from the date of the first screening or more frequently as recommended by a physician or the local health department.

E. A caregiver or household member who comes in contact with a known case of tuberculosis shall be screened as determined appropriate based on consultation with a physician or the local health department. Until this evaluation is completed and a new clearance statement issued by a physician or the local health department, the caregiver or household member shall not have direct contact with children.

F. Any caregiver or household member who develops chronic respiratory symptoms of three weeks duration or longer shall be evaluated immediately for active tuberculosis disease. Until this evaluation is completed and a new clearance statement issued by a physician or the local health department, no child care shall be provided in the family day home.

G. Any caregiver or household member who tests positive on a subsequent TST, regardless of the date of the last screening, shall obtain within 14 days a new clearance statement issued by a physician or local health department stating the individual does not have active tuberculosis disease. Until this evaluation is completed and a new

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clearance statement issued, the caregiver or household member shall not have direct contact with children.

22 VAC 40-111-70. Physical and mental health examinations.

Any person whose health or behavior would endanger the health, safety, or well-being of children in care:

A. Shall be removed immediately from contact with children ; and

B. Shall not be allowed contact with children until the condition is cleared to the satisfaction of the examining physician or clinical psychologist skilled in the diagnosis and treatment of mental illness, as evidenced by a signed statement from the physician or clinical psychologist.

PART IV

ORIENTATION AND TRAINING

22 VAC 40-111-80. First aid and CPR certification.

A. Providers and substitute providers shall obtain certification in first aid and CPR as appropriate to the ages of children in care prior to licensure or employment and shall maintain a current first aid and CPR certificate endorsed by or from:

1. The American Red Cross;

2. The American Heart Association;

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3. The National Safety Council;

4. A community college;

5. A hospital;

6. A volunteer rescue squad;

7. A fire department; or

8. Other similarly approved program.

B. Providers licensed prior to the effective date of these standards shall obtain CPR training concurrent with the expiration and renewal of the current first aid certificate.

22 VAC 40-111-90. Orientation.

A. Prior to the granting of an initial license, applicants shall satisfactorily complete a department-sponsored or approved training program on these standards and pertinent licensure requirements unless the department determines the training is not needed.

B. Documentation of completion of department-sponsored or approved training shall be available upon request.

C. The provider shall orient the substitute provider or assistant prior to service in the home.

D. Documentation of the orientation shall be signed and dated by the provider and substitute provider or by the provider and assistant.

E. The orientation shall cover the following topics:

1. Job responsibilities;

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2. Parental protections and notifications listed in 22 VAC-111-270;
3. The standards that relate to the substitute provider's or assistant's responsibilities;
4. Written policies and procedures listed in 22 VAC 111-260;
5. Emergency evacuation procedures;
6. Confidential treatment of information about children and their families;
7. Location of emergency numbers and first aid supplies; and
8. Child abuse and neglect reporting requirements.

22 VAC 40-111-100. Ongoing training.

A. In addition to orientation and first aid and CPR training, caregivers shall obtain a minimum of 10 clock hours of training annually in areas relevant to their job responsibilities. One year after the effective date of the regulation, the number of training hours shall increase to 12 clock hours annually. Two years after the effective date of the regulation, the number of training hours shall increase to 14 clock hours annually. Three years after the effective date of the regulation, the number of training hours shall increase to 16 clock hours annually. The training shall cover areas such as, but not limited to:

1. Physical, intellectual, social and emotional child development;
2. Behavior management and discipline techniques;
3. Health and safety in the family day home environment;
4. Art and music activities for children;

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5. Child nutrition;

6. Recognition and prevention of child abuse and neglect; or

7. Recognition and prevention of the spread of communicable diseases.

B. Written documentation of annual training shall include:

1. Name of the caregiver;

2. Name of the training session;

3. Date and total hours of the session; and

4. Name of the organization who sponsored the training and the trainer.

PART V

THE HOME AND YARD

22 VAC 40-111-110. Hazards.

A. The physical facilities and furnishings of the home and grounds shall be kept clean and safeguarded from open and obvious hazards to the health and safety of children.

Hazards include, but are not limited to: loose carpeting, chipping or peeling paint, choking hazards, poisonous plants, sharp objects, plastic bags, matches, lighters, and aerosol cans that are accessible to children.

B. Hanging items, including but not limited to: window blind cords, appliance cords and tablecloths shall be out of reach of children under five years of age.

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C. A barrier at least four feet high such as, but not limited to, a fence or hedge, shall surround outdoor play areas located within 30 feet of hazards such as, but not limited to, traffic, open bodies of water, or railroad tracks. Facilities licensed prior to the effective date of these standards must comply fully within one year.

D. Bathtubs, buckets, and other containers of liquid accessible to children shall be emptied immediately after use.

E. Use of hot tubs, spas and whirlpools by children in care is prohibited.

F. All hot tubs must have bolted and securely locked covers.

G. Firearms of every type and purpose shall be stored unloaded in a locked container, compartment or cabinet, and apart from ammunition.

H. Ammunition shall be stored in a locked container during the family day home's hours of operation.

I. All other sporting equipment and potentially hazardous devices shall be stored in locked areas with keys out of reach of children.

J. Potentially poisonous substances, materials and supplies such as, but not limited to: cleaning agents, disinfectants, deodorizers, plant-care chemicals, pesticides and petroleum distillates shall stored away from food in areas inaccessible to children..

K. Sharp kitchen utensils shall be inaccessible to children, unless being used by the caregiver or with children under close supervision.

22 VAC 40-111-120. Fire safety and shock prevention.

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A. Small electrical appliances shall be unplugged unless being used by the caregiver or with children under close supervision.

B. Child-resistant protective covers shall be installed on all unused electrical outlets accessible to children.

C. Protective coverings and outlet plugs shall be larger than 1¼ inches in diameter.

D. No electrical device accessible to children shall be placed so that it could be plugged into an electrical outlet while in contact with a water source, such as a sink, tub, shower area, toilet, or swimming or wading pool.

E. Electrical cords and electrical appliances and equipment with cords that are frayed and have exposed wires shall not be used.

F. All heating systems, including furnaces, boilers, fireplaces, chimneys, flues and vents shall be inspected and cleaned at least once a year by qualified heating personnel.

Qualified heating personnel include, but are not limited to: the local utility company representative; the service representative for the particular heating system; a local fire inspector; a local building official; an insurance company representative or a licensed heating contractor. The licensee shall maintain documentation of the completed inspection and cleaning.

G. Radiators, oil and wood burning stoves, floor furnaces, fireplaces, and similar heating devices located in areas accessible to children shall have barriers or screens and be located at least three feet from combustible materials.

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H. Unvented fuel burning heaters shall not be used when children are in care.

Unvented heaters include, but are not limited to: portable electric space heaters; portable oil-burning (kerosene) heaters; portable unvented liquid or gas fueled heaters; unvented fireplaces. Unvented appliances do not vent to the outside, so they release combustion pollutants directly into the home.

I. Electrical fans used in rooms accessible to children shall have protective shields and be placed out of the reach of children.

J. All flammable and combustible materials including matches, lighters, lighter fluid, kerosene, turpentine, automotive products, aerosol cans and alcohol shall be stored in an area inaccessible to children or in a cabinet or drawer with child-resistant locks.

K. If there are open and obvious fire hazards, including the absence of fire extinguishers and smoke detectors as required by the Uniform Statewide Building Code and the Statewide Fire Prevention Code, the local fire prevention or building officials may be contacted by the department's representative. The provider shall comply with the requirements or recommendations made by the fire prevention officials to eliminate fire hazards.

22 VAC 40-111-130. Sanitation and health.

A. The home shall have an indoor bathroom and running water that does not exceed 120° F.

B. The bathroom shall be easily accessible to children two years of age and older.

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C. The bathroom shall be kept clean and have a working toilet and sink, toilet tissue, soap, and paper towels.

D. Caregivers shall wash their hands with soap and warm running water:

1. When their hands are dirty;

2. After toileting;

3. Before preparing and serving food;

4. After contact with any bodily secretion or fluid;

5. After handling or caring for animals;

6. After handling raw eggs or meat; and

7. After diapering a child or assisting a child with toileting.

E. Caregivers shall ensure that children wash their hands with soap and warm running water:

1. When their hands are dirty;

2. Before eating;

3. After toileting;

4. After handling or caring for animals; and

5. After contact with any bodily secretion or fluid.

F. When water is not obtained from a municipal supply, and the house is not connected to a municipal sewer line, the water supply and septic system of the family day home shall be inspected and approved by the local health official or a private laboratory if

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there are open and obvious symptoms of water or sewage system problems, such as evidence of cloudy, murky, or muddy water, or sewage back up.

G. Family day homes connected to a municipal water supply and sewer line that have open and obvious symptoms of water or sewage system problems shall have the problems corrected within a time frame established by the local health department.

H. Garbage and rubbish shall be removed from rooms occupied by children on a daily basis and removed from the premises at least once weekly.

I. There shall be a sufficient number of waste and diaper containers to hold all of the waste that accumulates between periods of removal.

J. Children shall not be allowed access to refuse storage areas.

K. Refuse storage areas shall be free of litter, odor, and uncontained waste.

L. The home shall be kept free from rodents and insect infestation.

M. No home shall maintain any receptacle or pool, whether natural or artificial, containing water in such condition that insects breeding therein may become a menace to public health.

22 VAC 40-111-140. Spaces.

A. Usable floor space of 25 square feet per child or a total of 300 square feet for a home caring for the maximum of 12 children, shall be available for children's activities, exclusive of bathrooms, hallways, office space or storage areas. Two years after the effective date of the regulation, there shall be 30 square feet of indoor space or a total

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of 360 square feet for a home caring for the maximum of 12 children. Five years after the effective date of the regulation, there shall be 35 square feet of usable floor space per child or a total of 420 square feet for a home caring for the maximum of 12 children.

B. There shall be an outdoor play space of 75 square feet per child or a total of 900 square feet for a home caring for the maximum of 12 children, available for children's outdoor activities either on the premises or within walking distance of the home, no more than 2 blocks. Play times may be staggered and space based on the number of children using the area at one time.

C. Each child two years of age and older shall have access to an individual location in which to keep clothing, toys, and belongings together.

D. Children under the age of two shall have an individual location that is accessible to the caregiver and parent.

22 VAC 40-111-150. Temperature and ventilation.

A. The temperature in all inside areas occupied by children shall be maintained no lower than 68° F.

B. Fans or other cooling systems shall be used when the temperature of inside areas occupied by children exceeds 80° F.

C. Windows and doors used for ventilation shall be securely screened.

22 VAC 40-111-160. Lighting.

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A. All rooms, halls, and stairways used by children in care shall be well-lighted.

B. Entrance and exit ways shall be unobstructed and well-lighted.

22 VAC 40-111-170. Stairways.

A. Protective barriers including, but not limited to, safety gates shall be installed securely at the top or bottom of open stairways on the floors where the stairways are accessible to children under two years of age and children over two years of age who are not developmentally ready to climb or descend stairs without supervision.

B. Safety gates used shall meet the current American Society for Testing and Materials standards.

C. All interior and exterior stairways with three or more risers that are used by children shall have handrails within normal grasp of the children or banisters with vertical posts between the handrails and each step that can be safely grasped by children.

D. When stairways have banisters with vertical posts between the handrails and each step and the distance between the vertical posts is greater than 3½ inches, these stairways shall be accessible to children only when supervised by a caregiver.

22 VAC 40-111-180. Decks and porches.

A. Protective barriers or guardrails shall be located along an open-sided walking surface such as a deck, porch, or balcony that is more than 15 ½ inches above the floor or grade below.

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B. Protective barriers or guardrails shall not have openings greater than 3 ½ inches and shall be constructed to prevent a child from climbing over, crawling or falling through, or becoming entrapped.

22 VAC 40-111-190. Doors.

Clear glass doors shall be clearly marked at a child's eye level.

22 VAC 40-111-200. Smoking and prohibited substances.

The licensee shall ensure that:

1. A smoke-free environment is provided while children are in care; and
2. No caregiver is under the effects of alcohol, illegal drugs, or medication that impairs functioning.

22 VAC 40-111-210. Animals.

A. Family pets shall not be allowed on any surfaces where food is prepared or served.

B. Any pet or animal present at the home, indoors or outdoors, shall be in good health and show no evidence of carrying any disease.

C. Dogs or cats, where allowed, shall be vaccinated for rabies and shall be treated for fleas, ticks, or worms as needed.

D. The licensee shall maintain a copy of the current rabies vaccination certificate.

E. Caregivers shall closely supervise children when children are exposed to animals.

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F. Children shall be instructed on safe procedures to follow when in close proximity to animals, e.g., not to provoke or startle them or remove their food.

G. Potentially dangerous animals shall not be in contact with children.

H. Animal litter boxes shall not be located in areas accessible to children.

I. All animal litter must be removed promptly, disposed of properly, and the soiled area cleaned and sanitized.

PART VI.

EQUIPMENT.

22 VAC 40-111-220. General.

A. Equipment used by children shall be assembled, maintained and used in accordance with the manufacturer's instructions.

B. Equipment and materials used by children shall be clean, non-toxic and free from hazards such as lead paint, sharp edges or points, loose parts and rust.

C. Equipment and materials used by a child shall be appropriate to the age, size, ability and interest of the child.

22 VAC 40-111-230. Play materials and equipment.

A. The family day home shall provide a sufficient quantity and variety of play materials and equipment that shall be accessible to children.

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B. Materials and equipment available shall include, but not be limited to: arts and crafts materials, texture materials, construction materials, music and sound materials, books, social living equipment, and manipulative equipment.

C. Toys and toy parts less than 1 1/4 inches in diameter or that would fit through a toilet tissue roll shall be kept out of reach of children under the age of three years.

D. Infants, toddlers, and preschool children shall not have access to uninflated or underinflated balloons.

E. Toys or mobiles strung across a crib or playpen shall be removed when the child begins to push up on hands and knees or is five months of age, whichever occurs first.

F. The highest climbing rung or platform on outdoor climbing equipment or top of a slide shall not exceed six feet for school age children and four feet for preschool children.

G. Resilient surfacing shall be under and around outdoor play equipment with moving parts and climbing apparatus to include the use zone.

H. The use zone shall encompass sufficient area to include the child's trajectory in the event of a fall, or no less than six feet in all directions from the equipment.

I. The use zone shall be free of hazardous objects.

J. The climbing portions of indoor slides and climbing equipment over 18 inches shall not be over bare floor.

K. The climbing portion of indoor slides and climbing equipment 36 inches high or more shall be located over resilient surfacing.

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L. Outdoor play equipment shall meet the following requirements:

1. "S" hooks shall be tightly closed;

2. Swings shall have flexible seats of rubber, canvas, or nylon;

3. Non-flexible molded seats may be used only when a staff member stays within arm's length of any hard molded swing in use and is positioned to see and protect other children who might walk into the path of the swing.

4. Openings above the ground that are closed on all sides shall be smaller than 3 ½ inches or larger than nine inches to prevent head entrapment hazards;

5. Ropes, loops or any hanging apparatus that might entrap, close, or tighten upon a child shall not be used;

6. Equipment with moving parts that might pinch or crush children's hands or fingers shall not be used unless they have guards or covers.

M. Ground supports shall be covered with materials to protect children from injury.

N. Sandboxes with bottoms that prevent drainage shall be covered when not in use.

O. Trampolines shall not be used during the hours children are in care.

22 VAC 40-111-240. Beds and cribs.

A. A child shall be provided with an individual crib, cot, rest mat, or bed for resting or napping.

B. Upper levels of double-deck beds shall not be used.

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C. Cribs that meet the Consumer Product Safety Commission standards for cribs, 16 CFR 1508 or 1509, shall be provided for children from birth through 12 months of age and for children over 12 months of age who are not developmentally ready to sleep on a cot, rest mat, or bed.

1. Double-decker cribs shall not be used.

2. Crib sides shall always be up and the fastenings secured when a child is in the crib, except when the caregiver is giving the child immediate attention.

3. Mattresses shall fit snugly next to the crib, so that no more than two fingers can be inserted between mattresses and the crib;

4. Cribs with end panel cut-outs shall be of a size that prevents head entrapment.

5. When an infant is able to pull to a standing position, the mattress shall be in its lowest position and bumper pads, large toys, and other objects that could serve as steps for climbing out shall be removed from the crib.

D. Cribs, cots, rest mats, and beds used by children shall have clean linens that are suitable to the season and assigned for individual use.

E. Linens shall be washed at least weekly and when visibly soiled.

F. Clean linens shall be used each time a child rests on the bed of a family member.

G. Rest mats that are used must have at least an inch of cushioning.

H. Rest mats shall be cleaned and sanitized at least weekly and as needed.

I. Mattresses, when used, shall be covered with a waterproof material that can be cleaned and sanitized.

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J. Children under two years of age shall not use pillows and filled comforters.

K. Pillows, when used for children over two years of age, shall be assigned for individual use and covered with pillowcases.

22 VAC 40-111-250. Infant/toddler equipment.

A. Children using infant seats, carrier seats, swings, strollers, or high chairs shall be supervised closely at all times.

B. High chairs shall meet the American Society for Testing and Materials (ASTM) F 404-99a standards.

C. Strollers and carriages shall meet the ASTM F833-01 standards.

D. Equipment shall be used according to the manufacturer's instructions and when occupied by a child, a safety strap shall be used and securely fastened.

22 VAC 40-111-260. Walkers.

Infant walkers shall not be used.

22 VAC 40-111-270. Play yards.

Play yards or playpens, where used, shall:

1. Meet the ASTM F406-02 standards;
2. Not contain any pillows or filled comforters;
3. Not be used for sleeping or napping areas;

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4. Not be used by children who are able to climb out;
5. Not be used by children over 35 inches tall;
6. Not be used by children weighing more than 30 pounds;
7. Not be occupied by more than one child; and
8. Be cleaned and sanitized each day of use or more often as needed.

PART VII.

POLICIES AND PROCEDURES.

22 VAC 40-111-280. Written policies and procedures.

The following written policies and procedures shall be developed and provided to parents at the time of each child's admission;

1. Discipline policy, including acceptable and unacceptable discipline methods;
2. Policies and procedures for termination of care;
3. Policies on provision of meals and snacks; and
4. Policies on medication, including what medication or medical procedures will be administered.

22 VAC 40-111-290. Parental notification and protections.

A. A parent shall be notified immediately when the child:

STANDARDS FOR LICENSED FAMILY DAY HOMES

1. Has a head injury or any serious injury that requires emergency medical or dental treatment;

2. Has an adverse reaction to medication administered;

3. Has been administered medication incorrectly;

4. Is lost or missing; or

5. Dies.

B. The provider shall notify a parent the same day whenever first aid is administered to the child.

C. The provider shall make available to a parent any information requested concerning the operation of the family day home or the care of the parent's own child.

D. The provider shall bring special problems or significant developments to the parent's attention as soon as they arise.

E. Except in emergency evacuation situations, the provider shall inform the parent whenever the child will be taken off the premises of the family day home, before such occasion.

F. If an emergency evacuation is necessary, the parent shall be informed of the child's whereabouts as soon as possible.

G. The provider shall inform the parent of the requirement for paid caregivers to report suspected child abuse or neglect according to § 63.2-1509 of the *Code of Virginia*.

22 VAC 40-111-300. Additional mandatory notifications.

STANDARDS FOR LICENSED FAMILY DAY HOMES

A. The provider shall report to the department within 24 hours the circumstances of the following incidents:

1. Lost or missing child;

2. Serious injury to a child while under the family day home's supervision; and

3. Death of a child while under the family day home's supervision.

B. The provider shall immediately report a lost or missing child to the local law enforcement authorities.

C. The provider shall immediately either verbally notify the local department of social services or call the toll free number of the Child Abuse and Neglect Hotline (1-800-552-7096/TDD) whenever there is reason to suspect that a child has been or is being subjected to any kind of child abuse or neglect by any person.

D. The provider shall notify parents of the percentage of time someone other than the provider will be caring for children.

PART VIII.

CARE OF CHILDREN.

22 VAC 40-111-310. Capacity.

A. The provider shall ensure that the total number of children receiving care at any one time does not exceed the maximum licensed capacity of the home.

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B. When at least one child receives care for compensation, all children, exclusive of the provider's own children and children who reside in the home, who are in the care and supervision of a provider, count in the licensed capacity.

C. When children 13 years of age or older who are not the provider's own children or who do not reside in the home receive supervision in the family day home, they shall be counted in the licensed capacity.

D. The provider shall comply with local child day program ordinances, where such exist, and any limitations that may be placed by the Uniform Statewide Building Code on the number of children for whom care may be offered.

E. The provider's ongoing responsibilities within or outside the home that can reasonably be expected to divert time and attention from the operation of the family day home, if any, may affect the licensed capacity of the home.

22 VAC 40-111-320. Supervision.

A. Children shall be supervised in a manner that ensures the caregiver is aware of what the children are doing at all times and can promptly assist, redirect and intervene in activities when necessary.

B. In deciding how closely to supervise children, providers shall consider the following:

1. Ages of children;

2. Individual differences and abilities;

3. Layout of the house and play area;

STANDARDS FOR LICENSED FAMILY DAY HOMES

4. Neighborhood circumstances or hazards; and

5. Risk of activities in which children are engaged.

C. Children shall not be left alone in the care of an assistant under 18 years of age.

D. No child under five years of age or a child older than five who lacks the motor skills and strength to avoid accidental drowning, scalding or falling while bathing shall be left unattended while in the bathtub.

E. Sleeping children shall be checked every 15-20 minutes.

F. Caregivers shall promptly respond to infants' and toddlers' needs for food and comfort.

G. When overnight care is provided, caregivers shall remain awake until all children are asleep and shall sleep on the same floor level as the children in care. A baby monitor must be used.

22 VAC 40-111-330. Staff-to-child ratio.

A. In determining the need for an assistant, the following fixed adult-to-child ratios shall be maintained for children receiving care. This ratio includes the provider's own and resident children under 8 years of age:

1. 1:4 children from birth through 15 months of age;

2. 1:5 children from 16 months through 23 months of age;

3. 1:8 children from two years through four years of age;

4. 1:16 children from five years through nine years of age; and

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5. Children who are 10 years of age and older shall not count in determining the ratio of adults to children for staffing purposes.

B. When children are in mixed age groups, the provider shall apply the following point system in determining the need for an assistant:

1. Children from birth through 15 months of age count as four points each;

2. Children from 16 months through 23 months of age count as three points each;

3. Children from two through four years of age count as two points each;

4. Children from five years through nine years of age count as one point each; and

5. Children who are 10 years of age and older count as zero points.

C. A provider shall not exceed 16 points.

D. The provider's own and resident children under eight years of age count in point maximums.

Exception: The point maximums for mixed age groups or the fixed adult-to-child ratios may be exceeded in one age group for no more than one child for up to one month from the date of the child's enrollment during transitional periods when there is turnover in children receiving care and when the ages of the child leaving and the child entering care do not match.

22 VAC 40-111-340. Activities.

STANDARDS FOR LICENSED FAMILY DAY HOMES

A. In order to promote the child's physical, intellectual, emotional, and social well-being and growth, caregivers shall talk to the child and provide needed help, comfort, support, and:

1. Respect personal privacy;
2. Respect differences in cultural, ethnic and family backgrounds;
3. Encourage decision-making abilities;
4. Promote ways of getting along;
5. Encourage independence and self-direction; and
6. Use consistency in applying expectations.

B. Age appropriate activities shall be provided for children in care throughout the day and shall be based on the physical, social, emotional and intellectual needs of the children.

C. Daily age appropriate activities shall include:

1. Opportunities for alternating periods of indoor active and quiet play depending on the ages of the children;
2. Opportunities for vigorous outdoor play daily, depending upon the weather, the ages, and the health of the children;
3. Opportunities for one or more regularly scheduled rest or nap periods. Children unable to sleep shall be provided time and space for quiet play;
4. Opportunities for children to learn about themselves, others and the world around them;

STANDARDS FOR LICENSED FAMILY DAY HOMES

5. Opportunities for children to exercise initiative and develop independence in accordance with their ages; and

6. Opportunities for structured and unstructured play time and provider-directed and child-initiated learning activities.

D. Infants and toddlers shall be provided with opportunities to:

1. Interact with caregivers and other children in the home in order to stimulate language development;

2. Play with a wide variety of safe, age-appropriate toys;

3. Receive individual attention from caregivers including, but not limited to, holding, cuddling, talking, and reading;

4. Reach, grasp, pull up, creep, crawl and walk to develop motor skills;

E. Infants and toddlers shall spend no more than ½ hour of consecutive time during waking hours, with the exception of mealtimes, confined in a crib, play yard, high chair or other confining structure or piece of equipment. The intervening time period between confinements shall be at least one hour.

F. For children in evening and overnight care, quiet activities and experiences shall be available immediately before bedtime.

22 VAC 40-111-350. Television, videos and video games.

Television programs, videos, and video games shall be:

1. Limited to programs, tapes, and software that are produced for children;

STANDARDS FOR LICENSED FAMILY DAY HOMES

2.Used only in addition to other planned activities;

3.The amount of time children watch television and the type of programs viewed shall be monitored closely by caregivers.

22 VAC 40-111-360. Diapering and toileting.

A. A child shall not be left unattended on a changing table during diapering.

B. A child's diaper shall be changed promptly if it becomes wet or soiled.

C. During each diaper change the child's genital area shall be thoroughly cleaned with a moist disposable wipe or a moist, clean individually assigned cloth, if the child is allergic to disposable wipes.

D. The diapering surface shall be:

1. Separate from the kitchen, food preparation areas, or surfaces used for children's activities;

2. Non-absorbent and washable;

3. Cleaned and sanitized after each use with a sanitizing solution consisting of one tablespoon of bleach to one quart of water. The solution shall be prepared daily, labeled, placed in a bottle sealed with a cap, and stored out of reach of children.

E. Soiled disposable diapers and wipes shall be discarded in a lined container, with a tight-fitting lid, operated by a foot pedal (step can).

F. Soiled cloth diapers and wipes shall be put in a plastic bag and stored in individually labeled diaper bags to be taken home.

STANDARDS FOR LICENSED FAMILY DAY HOMES

G. The container and diaper bags shall be kept clean, free of soil build up and odor and shall not be accessible to children.

H. Children five years of age and older shall be permitted privacy when toileting.

I. Children's soiled clothing shall be changed immediately following a toileting accident.

J. Caregivers shall respond promptly to a child's request for toileting assistance.

K. The provider shall consult with the parent before toilet training is initiated.

L. Toilet training shall be relaxed and pressure free.

M. Toilet chairs, when used, shall be emptied promptly, rinsed and sanitized after each use.

22 VAC 40-111-370. Sleeping or napping infants, toddlers and preschool children.

A. Infants shall be placed on their backs when sleeping or napping unless medically contraindicated. A written statement signed by the child's physician shall be provided to the provider.

B. No soft bedding of any kind shall be used under or on top of infants including, but not limited to, pillows, quilts, comforters, sheepskins, or stuffed toys.

C. An infant, toddler or preschool age child who falls asleep in a play space other than his own crib, cot, mat or bed shall be moved promptly to his designated sleeping space if the safety or comfort of the infant, toddler or preschool child is in question.

22 VAC 40-111-380. Evening and overnight care.

STANDARDS FOR LICENSED FAMILY DAY HOMES

A. For evening and overnight care during which a child sleeps more than two hours, the following is required:

1. An infant shall have an individual crib that meets the requirements of 22 VAC 40-111-230 C;

2. A child not required to sleep in a crib shall have an individual bed with mattress or a cot with at least two inches of dense padding; and

3. Linens shall be provided that meet the requirements in 22 VAC 40-111-230 D.

B. Providers shall establish a bedtime schedule for a child in consultation with the child's parent.

C. Separate sleeping and dressing areas shall be provided for children of the opposite sex over six years of age.

D. Each child shall have comfortable sleepwear, a toothbrush, and a comb or brush assigned for individual use.

E. Bath towels and washcloths, when used, shall be assigned for individual use and laundered as needed but at least weekly.

F. A child shall have a routine that encourages good personal hygiene practices including bathing (if needed and with parent's written permission) and tooth brushing.

22 VAC 40-111-390. Care of children with disabilities.

STANDARDS FOR LICENSED FAMILY DAY HOMES

A. Caregivers shall provide a child with disabilities with the care and activities recommended in writing by a physician, psychologist or other professional who has evaluated or treated the child.

1. The written recommendation shall include instructions for any special treatment, diet, or restrictions in activities that are necessary for the health of the child; and

2. The recommendation shall be maintained in the child's record.

B. The provider shall ensure the environment is appropriate for the child based on the plan of care and shall instruct other caregivers in the proper techniques of care.

C. The home shall perform only those procedures and treatments for which caregivers have the necessary training, experience, credentials or license to perform.

D. Staffing shall be appropriate and adequate to meet the specific physical and/or developmental needs of a child with disabilities in care.

E. The provider and the parent of the child with disabilities shall mutually determine a recommendation for the level of staffing necessary to care for and supervise the child based on the child's chronological and functional age and degree of disability.

F. The Department shall make the final decision regarding level of staffing or any capacity limitations necessary to care for, supervise, and protect all children in care when a child with disabilities is receiving care.

G. All involved parties shall review the staffing requirements annually.

STANDARDS FOR LICENSED FAMILY DAY HOMES

H. A separate area shall be provided for the purpose of privacy for diapering, dressing, and other personal care procedures for a child above age three with disabilities who requires assistance in these activities.

PART IXBEHAVIORAL GUIDANCE

22 VAC 40-111-400. Behavioral guidance.

A. The provider shall discuss with each child's parent or parents the rules and limits used to encourage desired behavior and discourage undesired behavior of children in care.

B. Caregivers shall use positive methods of discipline. Discipline shall be constructive in nature and include techniques such as:

1. Using limits that are fair, consistently applied, appropriate and understandable for the child's level of development;
2. Providing children with reasons for limits;
3. Giving positively worded direction;
4. Modeling and redirecting children to acceptable behavior;
5. Helping children to constructively express their feelings and frustration to resolve conflict; and

STANDARDS FOR LICENSED FAMILY DAY HOMES

6. Arranging equipment, materials, activities, and schedules in a way that promotes desirable behavior.

C. When time out is used as a discipline technique:

1. It shall be used sparingly and be brief (not exceeding one minute for each year of the child's age);

2. It shall be appropriate to the child's developmental level and circumstances;

3. It shall not be used with infants and toddlers;

4. The child shall be in a safe, lighted, well-ventilated place and shall be within sight and sound of a caregiver.

22 VAC 40-111-410. Forbidden actions.

The following acts or threats thereof are forbidden:

1. Physical punishment, striking a child, roughly handling or shaking a child, biting, restricting movement through binding or tying, forcing a child to assume an uncomfortable position or exercise as punishment.

2. Enclosure in a small confined space or any space that the child cannot freely exit himself; however this does not apply to the use of equipment such as cribs, play pens, high chairs, and safety gates when used for their intended purpose with children preschool age or younger;

3. Punishment by anyone who is not a provider or substitute provider;

4. Punishment by withholding or forcing of food, water or rest;

STANDARDS FOR LICENSED FAMILY DAY HOMES

5. Verbal remarks which are demeaning to the child;
6. Punishment for toileting accidents; and
7. Punishment by applying unpleasant or harmful substances.

PART X.

NUTRITION AND FOOD SERVICE

22 VAC 40-111-420. General.

A. Meals and snacks served to children shall meet the most recent nutritional requirements of a recognized authority such as the Child and Adult Care Food Program of the United States Department of Agriculture (USDA).

B. Family day homes offering both meals and snacks shall serve a variety of nutritious foods.

C. When food is brought from home, the following shall apply:

1. The food container shall be clearly labeled in a way that identifies the owner;

2. The family day home shall have extra food or shall have provisions to obtain food to serve to children so they can have an appropriate snack or meal if they forget to bring good from home or bring an inadequate meal or snack; and

3. Unused portions of food shall be discarded by the end of the day or returned to the parent.

STANDARDS FOR LICENSED FAMILY DAY HOMES

D. Children shall be served small size portions and permitted to have additional servings.

E. Family day homes shall schedule appropriate times for snacks or meals, or both, based on the hours of operation and time of the day.

1. A family day home offering after school care shall schedule an afternoon snack.

2. A family day home offering care from 7 a.m. to 1 p.m. shall schedule a morning snack and a midday meal.

3. A family day home offering overnight care shall schedule an evening snack and breakfast.

F. To assist in preventing choking, food that is hard, round, small, thick and sticky, or smooth and slippery such as whole hot dogs sliced into rounds, nuts, seeds, raisins, uncut grapes, uncut raw carrots, peanuts, chunks of peanut butter, hard candy, and popcorn shall not be served to children under four years of age, unless the food is prepared before being served in a manner that will reduce the risk of choking, i.e., hot dogs cut lengthwise, grapes cut in small pieces, and carrots cooked or cut lengthwise.

G. Children shall not be allowed to eat or drink while walking, running, playing, lying down, or riding in vehicles.

H. Water shall be available for drinking and shall be offered on a regular basis to all children in care.

STANDARDS FOR LICENSED FAMILY DAY HOMES

I. In environments of 80° F or above, attention shall be given to the fluid needs of children at regular intervals. Children in such environments shall be encouraged to drink fluids.

J. Individual drinking cups shall be provided daily. Children shall not be allowed to share common drinking cups.

K. When meals or snacks are provided by the family day home, menus shall be planned, written, dated and placed or posted at least a day in advance in an area accessible to parents.

L. Eating utensils shall be appropriate in size for children to handle.

M. Chipped or cracked dishes shall not be used.

N. Eating utensils and dishes shall be properly cleaned by pre-rinsing, washing and air drying or using a dishwasher.

O. Eating utensils and dishes shall be stored in a clean dry place, and protected from contamination.

P. If disposable eating utensils and dishes are used, they shall be sturdy enough to prevent spillage or other health and safety hazards.

Q. Disposable utensils and dishes shall be used once and discarded.

R. Temperatures shall be maintained at or below 40° F in refrigerator compartments and at or below 0° F in the freezer compartments.

S. The provider shall have an operable thermometer available to monitor refrigerator and freezer compartment temperatures.

STANDARDS FOR LICENSED FAMILY DAY HOMES

T. All perishable foods and drinks used for children in care, except when being prepared and served, shall be kept in the refrigerator.

U. Leftover food shall be discarded from individual plates following a meal or snack.

V. All milk and milk products shall be pasteurized. Powdered milk shall be used only for cooking.

W. The consistency of food provided for a child with disabilities shall be appropriate to any special feeding needs of the child.

X. Necessary and adaptive feeding equipment and feeding techniques shall be used for a child with special feeding needs.

22 VAC 40-111-430. Infant nutrition.

A. Infants shall be fed on demand unless the parent provides other written instructions.

B. Infants who cannot hold their own bottles shall be picked up and held for bottle feeding.

C. High chairs, infant carrier seats, or feeding tables with safety straps shall be used for children under 12 months of age who are not held while being fed.

D. Infant formula shall be prepared according to the manufacturer's or physician's instructions.

E. No milk except breast milk or iron-fortified milk shall be given to infants under 12 months of age, unless otherwise instructed by the child's physician in writing.

STANDARDS FOR LICENSED FAMILY DAY HOMES

F. Bottles shall be refrigerated and labeled with the child's name, if more than one infant is in care.

G. To avoid burns, heated formula and baby food shall be stirred or shaken and tested for temperature before serving to children.

H. Bottles shall not be heated in a microwave oven.

I. Formula, bottled breast milk, and prepared baby food not consumed by an infant may be used by that same infant later in the same day, if dated and stored in the refrigerator; otherwise it shall be discarded or returned to the parent at the end of the day.

J. A child's mother shall be granted access to a private area of the family day home to facilitate breast-feeding.

PART XI.

CHILD HEALTH.

22 VAC 40-111-440. General.

A. Unless otherwise approved by a child's health care professional, a child shall be excluded from the family day home if the child exhibits the following symptoms:

1. A temperature over 101° F;

2. Recurrent vomiting or diarrhea; or

3. Symptoms of a communicable disease as delineated in the Department of Health's current Communicable Disease Chart recommendation for exclusion of sick children.

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B. If a child needs to be excluded according to subsection A of this section, the following shall apply:

1. The parents or designated emergency contact shall be contacted immediately so that arrangements can be made to remove the child from the home as soon as possible; and

2. The child shall remain in a quiet, designated area within sight or sound of the caregiver and where the caregiver can respond immediately to the child until the child leaves the home.

3. When a child has been exposed to a communicable disease listed in the Department of Health's current Communicable Disease Chart, the parent shall be informed, unless forbidden by law.

22 VAC 40-111-450. Medications.

A. A home may have a policy of not giving medication to children in care, unless a child has a medically recognized special need requiring medication.

B. Prescription and nonprescription medications shall only be given to a child as directed by the prescription label or by the instructions on the original container and when the provider has the parent's written consent.

C. The parent's written authorization for medication shall expire or be renewed after 10 workdays.

D. Exception

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Written parent authorization for the following nonprescription medications shall include a start date and ending date not to exceed three months:

1. Antihistamines;

2. Non-aspirin fever reducers/pain relievers;

3. Non-narcotic cough suppressants;

4. Decongestants;

5. Anti-itching ointments or lotions intended specifically to relieve itching;

6. Diaper ointments and powders, intended specifically for use in the diaper area of the child; and

7. Sunscreen.

E. The nonprescription medications listed in the exception above may be given only at the dose, duration and method of administration specified on the manufacturer's label for the age or weight of the child needing the medication.

F. The provider may permit self-administration of a medication by a child in care if:

1. The child is physically and mentally capable of properly taking medication without assistance;

2. The provider includes in the child's file a parental or physician's written statement of the child's capacity to take medication without assistance; and

3. The provider assures that the child's medication and other medical supplies are inaccessible to another child in care.

STANDARDS FOR LICENSED FAMILY DAY HOMES

G. Assistants under the age of 18 shall not administer medication.

H. Prescription and non-prescription medications, refrigerated or unrefrigerated, shall be:

1. Kept out of reach of children;
2. Kept in an orderly fashion; and
3. Stored at the proper temperature.

I. Medication shall not be used beyond the date of expiration.

J. Medication shall be returned to parents when no longer needed.

K. Prescription medications shall be dated and kept in the original container with the prescription label and the child's first and last names attached.

L. Non-prescription medication brought into the home for use by a specific child shall be kept in the original container and shall be labeled with the following information:

1. Date;
2. Child's first and last names; and
3. Specific, legible instructions for administration and storage.

M. The provider shall keep a medication record addressing both prescription and nonprescription medications.

N. The medication record shall include:

1. A statement acknowledging parental consent to administer medication to the child;

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2. The duration of the parent's authorization for medication.

3. The amount and name of the medication administered to the child;

Exception: Caregivers are not required to record the amount of diaper ointment or sunscreen applied.

4. The day and time the medication was administered to the child;

5. The name of the provider or adult assistant administering the medication;

6. Adverse reactions; and

7. Medication errors.

O. Long-term prescription drug use may be allowed with written authorization from the child's physician and parent. The written authorization must be reviewed and updated annually.

PART XII.

TRANSPORTATION AND FIELD TRIPS.

22 VAC 40-111-460. General.

A. General written permission shall be obtained from the parent of each child for the provider to take the child off the premises of the family day home, on a form that lists regularly scheduled trips (e.g., library, store, playground) and the driver, if the child is to be transported.

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B. Special written permission shall be obtained from the parent of each child for the provider to take the child on special field trips (those not regularly scheduled). The special permission shall specify destination, duration of trip and driver, if the child is to be transported.

C. Whenever the caregiver leaves the home with the child, the caregiver shall have:

1. Copies of each child's emergency contact and medical information as required in 22 VAC 40-111-600 B 2;

2. First aid materials as required in 22 VAC 40-111-530; and

3. A mechanism for making telephone calls to emergency personnel and parents (e.g., change, calling card, cellular phone).

D. The provider shall ensure that during transportation of children the driver has:

1. A valid driver's license;

2. The name, address and telephone number of the family day home; and

3. A copy of the parent's written permission to transport the child.

E. The provider shall ensure that the vehicle used for transportation:

1. Meets the safety standards set by the Virginia Department of Motor Vehicles;

2. Is kept in satisfactory condition to assure the safety of children;

3. Is licensed and insured according to State law;

4. Was manufactured for the purpose of transporting people seated in an enclosed area; and

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5. Has seats that are attached to the floor.

F. The provider shall ensure that during transportation of children:

1. Each child is in an individual car seat or individual and appropriate restraint in accordance with Virginia state statutes;

2. The children remain seated and each child's arms, legs, and head remain inside the vehicle;

3. Doors are closed properly and locked unless locks were not installed by the manufacturer of the vehicle;

4. At least one caregiver always remains in the vehicle when children are present;

5. No child occupies the front seat if the vehicle has an operational passenger side airbag; and

6. Each child boards and leaves the vehicle from the curb side of the street.

PART XIII.

EMERGENCY PREPAREDNESS AND PROCEDURES.

22 VAC 40-111-470. Medical emergency plan.

The provider shall have a written plan to provide a competent adult to be available to provide temporary child care in case of a medical emergency involving a caregiver or child. The plan shall contain the name, address, and telephone number of the emergency caregiver.

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22 VAC 40-111-480. Emergency contact information.

The emergency contact information listed in subdivision 22 VAC 40-111-600 B 2, the record of the health examination listed in 22 VAC 40-111-640, and the record of the immunizations listed in subdivision 22 VAC 40-111-630 shall be made available to a physician, hospital, or emergency care unit in the event of a child's illness or injury.

22 VAC 40-111-490. Escape plans and practice evacuations.

A. There shall be a written posted emergency evacuation plan that shall be taught to all caregivers and to children who are developmentally able to understand.

B. The escape plan shall be practiced during all shifts that children are in care with all caregivers and children in care on a monthly basis to the point of exit from the home.

C. Documentation shall be maintained of practiced emergency escape plans that includes:

1. The date of the event:
2. The number and ages of children involved: and
3. The approximate evacuation time.

D. Records of monthly practiced procedures shall be maintained until the license is renewed.

22 VAC 40-111-500. Telephones.

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A. The home shall have a working telephone. If the telephone number is unlisted, the provider shall ensure that parents and the department have been given the unlisted number in writing.

B. The provider shall inform the department within 48 hours and parents within 24 hours of a change of the telephone number.

22 VAC 40-111-510. Posted numbers.

The following telephone numbers shall be posted in a visible area close to the telephone:

1. Physician or hospital;
2. Ambulance or rescue squad service;
3. Local fire department;
4. Local police department;

Exception: If there is a generic emergency number such as, but not limited to, 911 operable in the locality, that number may be posted instead of the above numbers.

5. Regional poison control center; and
6. Emergency caregiver's name, address, and telephone number.

22 VAC 40-111-520. Flashlights and radios.

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An operable flashlight and battery-operated radio shall be kept in a designated area and available at all times.

22 VAC 40-111-530. First aid supplies.

First aid supplies shall be readily accessible to caregivers and inaccessible to children.

The required first aid supplies that shall be available are:

1. Scissors;
2. Tweezers;
3. Sterile nonstick gauze pads;
4. Adhesive or bandage tape;
5. Band-Aids, assorted sizes;
6. Sealed packages of alcohol wipes or an antiseptic cleaning solution;
7. Thermometer;
8. Ice pack or chemical cold pack;
9. First aid instructional manual or cards;
10. Insect bite or sting preparation;
11. One triangular bandage;
12. Syrup of Ipecac and activated charcoal, to be used only when instructed by the regional poison control center or child's physician and before the expiration date;
13. Flexible roller or stretch gauze;

STANDARDS FOR LICENSED FAMILY DAY HOMES

14. Disposable nonporous gloves; and

15. Eye dressing or pad.

22 VAC 40-111-540. Injury records.

The provider shall record in the child's record an injury or accident sustained by a child while at the family day home that requires first aid or emergency medical or dental treatment. The information recorded shall include the following:

1. Date and time of injury;

2. Type and circumstance of the injury;

3. Action taken; and

4. Date and time the parent was notified.

PART XIV.

WATER SAFETY.

22 VAC 40-111-550. Supervision.

A. The level of supervision by caregivers required in 22 VAC 40-111-320 and the staff-to-child ratios required by 22 VAC 40-111-330 shall be maintained while the children are participating in swimming or wading activities.

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B. If a pool, lake, or other swimming area has a water depth of more than two feet, a water safety instructor holding a current certificate shall be on duty supervising the children participating in swimming or wading activities at all times when one or more children are in the water. The certification shall be obtained from an organization such as, but not limited to, the American Red Cross, the YMCA, or the Boy Scouts.

22 VAC 40-111-560. Parental permission.

The family day home shall maintain written permission from the parent of each child who participates in swimming or wading activities. The written permission shall include a statement advising of a child's swimming skills before the child is allowed in water above the child's shoulder height.

22 VAC 40-111-570. Requirements for swimming pools.

When permanent swimming or wading pools are located on the premises of the family day home, the following shall apply:

1. The manufacturer's specifications for operating the pool shall be followed as well as any local ordinances, where they exist, and any Department of Health requirements for swimming pools.

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2. Pools constructed, renovated, or remodeled after April 1, 1986, shall have a written statement of their inspection and approval from the local building official, when such approval is required;

3. Outdoor swimming pools shall be enclosed by safety fences and gates that are in compliance with the requirements of the Virginia Uniform Statewide Building Code (13 VAC 5-61-10 et seq.) for private pools or by fences that are at least five feet tall. Gates shall be kept locked when the pool is not in use; and

4. Entrances to indoor swimming pools shall be locked when the pool is not in use.

22 VAC 40-111-580. Portable wading pools.

A. Portable wading pools used by children who are not potty trained shall be assigned for individual use.

B. Portable wading pools shall be emptied, cleaned and sanitized after use by each child or group of children and filled with clean water before re-using.

C. Wading pools shall be emptied and stored away when not in use during the normal family day home hours of operation.

PART XV.

RECORDKEEPING.

22 VAC 40-111-590. General record keeping.

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A. The provider's records shall be open for inspection by the department's representative.

B. Information contained in a child's record shall be privileged and confidential. The provider shall not distribute or release information in a child's record to any unauthorized person without the written consent of the child's parent.

C. The child's parent shall at reasonable times and upon request have access to everything in the child's record.

D. Records and reports on children and caregivers required by this regulation shall be maintained and made accessible for two years after termination of services or separation from employment.

22 VAC 40-111-600. Children's records.

A. The provider shall maintain a record for each child enrolled.

B. Each child's record shall include the following information:

1. The child's full name, nickname (if any), address, birth date and home telephone number;

2. Emergency contact information including:

a. Name, address and telephone number of each parent;

b. Name, address, and telephone number of each parent's place of employment and work hours;

c. Name, office address, and telephone number of the child's physician;

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d. Name, address and telephone number of two designated persons to contact in case of an emergency if the parent cannot be reached;

e. Information on allergies and intolerance to food, medication, or any other substances;

f. Written instructions signed and dated by a physician on actions to take in an emergency related to the allergy or intolerance;

g. Name of the parent's hospitalization plan and number or medical assistance plan and number, if applicable.

3. Names of persons authorized to visit, call or pick up the child. Appropriate legal paperwork shall be requested and maintained when a custodial parent does not authorize the provider to release the child to the other parent or allow contact with the other parent;

4. Information on chronic physical problems and pertinent developmental information and any special accommodations needed;

5. The date of the child's enrollment and withdrawal, when appropriate;

6. The written agreements required by 22 VAC 40-111-610;

7. Proof of the child's age and identity and the names and addresses of previous child day care and schools as required by 22 VAC 40-111-620;

8. Up-to-date immunization records for the child as required by 22 VAC 40-111-630;

9. Results of the health examination for the child as required by 22 VAC 40-111-640;

10. Written authorization if the provider is to administer prescription or nonprescription medication to the child as required by 22 VAC 40-111-450;

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11. Written authorization if the child is participating in swimming or wading activities as required by 22 VAC 40-111-560;

12. A record of any accidents or injuries sustained by the child while at the family day home as required by 22 VAC 40-111-540;

13. Written authorization if the child is taken off the premises of the family day home as required by 22 VAC 40-111-460;

14. Written authorization if the child is to be bathed as required in 22 VAC 40-111-380 F; and

15. Any special instruction to the provider including, but not limited to: written exception to the provider's obtaining medical treatment for the child as required in 22 VAC 40-111-640, exception to an infant's sleeping position as required in 22 VAC 40-111-370 A, or exception to an infant's being fed on demand as required in 22 VAC 40-111-430.

C. Annually, the provider shall review with the parent the emergency contact information required in subdivision B 2 of this subsection to ensure the information is correct.

22 VAC 40-111-610. Written agreements.

A. A written agreement shall be made between the provider and the parent for each child in care. A signed copy shall be in the child's record by the first day of the child's attendance and one copy shall be given to the parent.

B. The agreement shall include:

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1. An authorization for emergency medical care should an emergency occur and the parent cannot be located immediately. (NOTE: If the parent presents a written objection to provision of medical treatment on religious or other grounds, this document shall be provided to emergency medical personnel.)

2. Information on any special services to be provided by the family day home;

3. Information on the hours of care per day, week, or month; cost of care per day, week or month; frequency and amount of payment per day, week, or month;

4. A statement that the family day home will notify the parent and that the parent will arrange to have the child picked up as soon as possible if the child needs to be excluded from the family day home due to illness as required in 22 VAC 40-111-440 B;

5. An authorization from the parent for use of a substitute provider;

6. A statement that the parent has received a copy of the written policies and procedures listed in 22 VAC 40-111-280; and

7. A statement acknowledging that there shall be an open-door policy which permits parents to visit and pick up their children at any time.

22 VAC 40-111-620. Proof of age and identity; record of child care and schools.

A. Within seven business days of the child's first day of attendance at the family day home, the provider shall obtain from the parent:

1. Verification of the identity and age of the child; and

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2. Name and location (city and state) of previous day care programs and schools the child has attended.

B. Providers shall verify the identity and age of a child by viewing one of the following:

1. Original certified birth certificate;

2. Original birth registration card;

3. Original notification of birth (hospital, physician, or midwife record);

4. Original passport;

5. Copy of the placement agreement or other proof of the child's identity from a child placing agency;

6. Original or carbon copy (not photocopy) of a record or report card from a public school in Virginia; or

7. Signed statement on letterhead stationery from a public school principal or other designated official that assures the child is or was enrolled in the school.

C. The provider shall document in the child's record:

1. The method of verification of the child's age and identity; and

2. The names and locations of the child's previous child care programs and schools.

D. The provider shall notify the local law enforcement agency if the parent does not provide the information required in subsection A of this section within seven business days of the child's first day of attendance at the family day home.

22 VAC 40-111-630. Immunizations for children.

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The provider shall obtain by the first day of attendance and shall maintain documentation that each child is up-to-date for all immunizations required by the State Board of Health.

A. Exceptions.

1. Documentation of immunizations is not required for any child whose parent submits an affidavit to the family day home on the Department of Health-approved form stating that the administration of immunizing agents conflicts with the parent's or child's religious tenets or practices;

2. Documentation of immunizations is not required for any child whose physician or local health department states on a Department of Health-approved form that one or more of the required immunizations may be detrimental to the child's health.

a. The statement shall include an estimated date for when immunizations can safely be administered.

b. The child shall obtain the immunizations no later than 30 days after this date.

22 VAC 40-111-640. Physical examinations for children.

The provider shall obtain documentation of a physical examination by or under the direction of a physician prior to a child's attendance or within 30 days after the first day of attendance. The physical examination prior to attendance shall have been conducted:

A. Within 60 days prior to attendance for children six months of age or younger;

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B. 90 days prior to attendance for children age seven months through 18 months;

C. Six months prior to attendance for children age 19 months through 24 months;

D. Twelve months prior to attendance for children two years of age through five years of age;

E. 24 months prior to attendance for children six years of age and above.

Exception: Physical examinations are not required for any child who shows no visual evidence of sickness and whose parent objects on religious grounds. The parent must submit a signed statement noting that the parent objects on religious grounds and certifying that, to the best of the parent's knowledge, the child is in good health and free from communicable or contagious disease.

22 VAC 40-111-650. Transfer of immunizations or physical examination reports.

A new report of physical examination and immunizations is not required for children transferring from a facility licensed or registered by the Virginia Department of Social Services, certified by a local department of public welfare or social services, or approved by a licensed family day system if the initial report or copy of the initial report of the physical examination and immunizations is available to the admitting family day home.

22 VAC 40-111-660. Medical reports after enrollment.

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A. Updated information on immunizations received shall be obtained once every six months for children under the age of two years.

B. Updated information on immunizations received shall be obtained once between each child's fourth and sixth birthdays.

22 VAC 40-111-670. Form and content of immunization and physical examination reports for children.

A. The current form approved by the Virginia Department of Health, or any other form that provides all of the same information, shall be used to record immunizations received and the results of the required physical examination.

B. Each report shall include the date of the physical examination and dates immunizations were received and shall be signed by a licensed physician, the physician's designee, or an official of a local health department.

22 VAC 40-111-680. Caregiver records.

A. The provider shall maintain a record for each caregiver.

B. Caregivers' records shall contain the following:

1. Background clearances as required by 22 VAC 40-11-50;

2. Documentation of tuberculosis screening as required by 22 VAC 40-111-60;

3. Written documentation of first aid and CPR certification as required in 22 VAC 40-111-80; and

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4. Documentation of education, training, orientation and programmatic experience as required by 22 VAC 40-111-20, 90 and 100.